

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

**AMERICAN TOWERS LLC AND  
AMERICAN TOWER MANAGEMENT,  
LLC,**

**Plaintiffs,**

**vs.**

**MARY HELEN LOPEZ,**

**Defendant.**

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**NO: 2:16-cv-00424**

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**PLAINTIFFS' REQUEST FOR CLERK'S ENTRY OF DEFAULT**

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Plaintiffs American Towers LLC and American Tower Management, LLC ("Plaintiffs") file this Request for Clerk's Entry of Default under Rule 55, Fed. R. Civ. P., and state:

1. Defendant Mary Helen Lopez ("Defendant") did not timely file an answer or other responsive pleading by December 6, 2016, and therefore, Plaintiffs request that the Clerk enter default against Defendant.

2. Plaintiffs filed their complaint on October 6, 2016. (Doc. 1).

3. Defendant executed a Waiver of Service of Summons on October 28, 2016. (Doc.

4). Based on the Waiver of Service of Summons, Defendant's deadline to answer was December 6, 2016.

4. The Clerk of the Court may enter default against a party who has not filed a responsive pleading or otherwise defended the suit in accordance with the rules and that fact is made to appear by affidavit or otherwise. FED. R. CIV. P. 55(a); *New York Life Ins. Co. v. Brown*, 84 F.3d 137, 141 (5th Cir. 1996).

5. The Clerk should enter default against Defendant due to Defendant's failure to timely answer or otherwise appear in this action. Defendant's failure to timely answer or appear is demonstrated by the Court's docket sheet. Specifically, the Waiver of Service of Summons establishes that Defendant's deadline to answer or file a responsive pleading was December 6, 2016. (Doc. 4). The Court's docket sheet also establishes that Defendant has not answered or otherwise appeared.

6. Plaintiffs respectfully request that the Clerk enter a default against Defendant Mary Helen Lopez pursuant to FED. R. CIV. P. 55.

Respectfully submitted,

By: /s/ David L. Swanson

David L. Swanson

Attorney in Charge

State Bar No. 19554625

Southern District Admission No. 10992

dswanson@lockelord.com

Jason R. Marlin

Texas Bar No. 24050989

Southern District Admission No. 612725

jmarlin@lockelord.com

LOCKE LORD LLP

2200 Ross Avenue, Suite 2800

Dallas, Texas 75201

(214) 740-8000

(214) 740-8800 – Facsimile

Nicholas J. Demeropolis

State Bar No. 24069602

Southern District Admission No. 1094909

ndemeropolis@lockelord.com

LOCKE LORD LLP

600 Travis

Houston, Texas 77002

(713) 226-1200

(713) 223-3717 – Facsimile

**COUNSEL FOR PLAINTIFFS**